

PATENT
MB&P Ref. No. : I 3549 - ro / al
Atty. Dkt. No. INFN/MB0080

REMARKS

This is intended as a full and complete response to the Office Action dated October 3, 2005, having a shortened statutory period for response extended to expire on March 3, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-20 are pending in the application. Claims 1, 3-8, 10-14, and 16-20 remain pending following entry of this response. Claims 2, 9, and 15 have been cancelled without prejudice. Claims 1, 3, 4, 8, 10-14, 16 and 17 have been amended. Claims 1, 8, and 14 have been amended in part to include the subject matter of cancelled claims 2, 9, and 15, respectively. Claims 10 and 16 have been amended to depend from claims 8 and 14, respectively. Claims 1, 3, 4, 8, 10-14, 16 and 17 have been amended for clarification. Applicants submit that the amendments do not introduce new matter.

Claim Rejections - 35 USC § 112

The Enablement Requirement

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. The Examiner states that the claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner specifically states that the specification has failed to adequately and sufficiently describe the "control device" (for example in claim 1, line 4) or the "control means" (for example in claim 14, line 4) for performing a destructive read command, a write command, a nondestructive read command, or a refresh command, as recited in the pending claims.

Applicants first note that, with respect to claims 8 and 10-13, the claims do not contain the term "control device" or "control means". Accordingly, withdrawal of the rejection with respect to claims 8 and 10-13 is respectfully requested.

With respect to the "control device" and the "control means", Applicants submit that the specification does adequately describe a "control device" and "control means"

PATENT
MB&P Ref. No. : I 3549 - ro / al
Atty. Dkt. No. INFN/MB0080

at least, for example, at Pg. 5, Para. 0018, at Pg. 9, Paras. 0030-0031 and 0034, at Pg. 10, Paras. 0036 and 0038; and at Pg. 11, Paras. 0041-0042. Furthermore, control devices, including their functioning, are well known to those skilled in the art. The Examiner also states that "a mere simple timing diagram, as depicted in Fig. 2, appears to be an unreasonably sufficient disclosure for such "control device" or "control means" for executing said defined commands". However, Applicants submit that drawings showing a controller (control means) are not necessary for the understanding of the subject matter sought to be patented (See 35 USC Sec. 113) because, as stated above, such control devices are described in the specification and are well known to those skilled in the art. Accordingly, withdrawal of the rejection is respectfully requested.

The Definiteness Requirement

Claims 1-20 are rejected under 35 U.S.C. Sec. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

First, the Examiner states that "numerous claims recite the terms "opening" which appears to be indefinite". Claims 1, 3, 4, 8, 10, 11, 12, 13, 14, 16, and 17 contain the term opening. However, Applicants submit that the rejection is moot in light of the amendments to the claims. Furthermore, Applicants submit that the claims have been amended to make explicit what was previously implicit in the claims. Thus, Applicants submit that the claims, as amended, are entitled to a full range of equivalents. Withdrawal of the rejection is respectfully requested.

With respect to claim 8, the claim has been amended for clarification. Applicants submit that the Examiner's rejection of claim 8 is moot in light of the amendment. Withdrawal of the rejection is respectfully requested.

With respect to the rejection of claim 9, the Examiner states that "in claim 9, line 2, the phrase "a destructive write command for writing data from" is indefinite because said phrase is unclear in light of the specification" and that "the present specification describes a normal write command at the most". Applicants note that claim 9 has been cancelled, and that the subject matter of cancelled claim 9 has, at least in part, been incorporated into claim 8. With respect to the Examiner's reasons for rejection, the

PATENT
MB&P Ref. No. : I 3549 - ro / al
Atty. Dkt. No. INFN/MB0080

Applicants respectfully submit that the specification does describe a destructive write command at least, for example, at Page 5, Para. 0019 and Pg. 9-10, Para 0035. Furthermore, claim 8 itself describes that the "the destructive write command compris[es] writing the data to the at least one memory cell without first reading stored data in the memory cell", and as such, the meaning of the term "destructive write command" is clear and definite. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Vishin* (US Pat 6,178,479). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Vishin* does not disclose "each and every element as set forth in the claim". For example, *Vishin* does not disclose "executing a destructive write command for writing data to the at least one memory cell, the destructive write command comprising writing the data to the at least one memory cell without first reading stored data in the memory cell". The Examiner argues that *Vishin* discloses "executing a destructive write command for writing data to the at least one memory cell, the destructive write command comprising writing the data to the at least one memory cell without first reading stored data in the memory cell" at Figure 3. However, the cited figure is in fact directed to performing a read command before a write command.

Figure 3 of *Vishin* describes a write-DRAM method. Col. 4, Lines 6-7. *Vishin* specifically states that "[a]ny CPU write access causes a determination [...] if the write access involves data that are already in the row cache. If not, the row in the memory core must be brought to the row-line cache first." See Col. 4, Lines 9-12. Thus, the

PATENT
MB&P Ref. No. : 13549 - ro / al
Atty. Dkt. No. INFN/MB0080

data in the row in the memory core must be read out before new data is stored. *See id.* Indeed, *Vishin* states that DRAM devices necessarily follow every read access with a write-back cycle to restore data in the row accessed. *See* Col. 3, Lines 14-16; Col. 4, Lines 18-20 (*stating* "the row in the memory core that is to be written is read"). While *Vishin* states that the DRAM may not be allowed to perform an automatic write-back cycle after the first read access (*See* Col. 3, Lines 23-26), *Vishin* does not describe that the automatic write-back cycle is every performed without first reading the stored data. *See id.* Thus, *Vishin* does not disclose "executing a destructive write command for writing data to the at least one memory cell, the destructive write command comprising writing the data to the at least one memory cell without first reading stored data in the memory cell". Accordingly, withdrawal of the rejection is respectfully requested.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan

Registration No. 44,227

PATTERSON & SHERIDAN, L.L.P.

3040 Post Oak Blvd. Suite 1500

Houston, TX 77056

Telephone: (713) 623-4844

Facsimile: (713) 623-4846

Attorney for Applicants

Page 11

433236_2